

countries that includes the use of oil, natural gas, coal, hydroelectric, wind, solar, and geothermal power and other sources of energy.

“(4) DEFINITIONS.—In this subsection:

“(A) IDA-ELIGIBLE COUNTRY.—The term ‘IDA-eligible country’ means a country eligible for support from the International Development Association and not the International Bank for Reconstruction and Development.

“(B) IDA-BLEND COUNTRY.—The term ‘IDA-blend country’ means a country eligible for support from both the International Development Association and the International Bank for Reconstruction and Development.”.

**SA 1878.** Mr. MERKLEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

**SEC. 6302. AUTHORIZATION OF APPROPRIATIONS RELATING TO PREVENTING IMPORTATION OF GOODS MADE WITH FORCED LABOR.**

There is authorized to be appropriated \$25,000,000 for each of fiscal years 2022 through 2026 for the Office of Trade of U.S. Customs and Border Protection for activities to strengthen enforcement actions and processes that prevent the importation of goods made with forced labor.

**SA 1879.** Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2510(a)(1)(A)(i) of division B, insert “(or, in the case of multi-sourced products, countries of origin)” after “origin of the product”.

In section 2510(a) of division B, insert the following at the end:

(4) OBLIGATION TO PROVIDE.—A manufacturer, distributor, seller, or private labeler seeking to have a product introduced, sold, advertised, or offered for sale in commerce shall provide the information identified in subparagraphs (A) and (B) of paragraph (1) to the relevant retailer or internet website marketplace.

(5) SAFE HARBOR.—A retailer or internet website marketplace satisfies the disclosure requirements under subparagraphs (A) and (B) of paragraph (1) by disclosing the country of origin and seller information provided by a manufacturer, distributor, seller, or private labeler of the product. If the retailer or

internet website marketplace determines or has a reasonable basis to conclude that the information provided by a manufacturer, distributor, seller, or private labeler to the retailer or internet website marketplace for a product is false or deceptive, the retailer or internet website marketplace shall not be required to disclose such false or deceptive information and shall be deemed to meet the disclosure requirements under such subparagraphs (A) and (B) for that product.

In section 2510(b)(1) of division B, insert “and except as provided for in paragraph (2),” after “provision of law.”.

In section 2510(b) of division B, insert the following at the end:

(3) LIMITATION OF LIABILITY.—A retailer or internet website marketplace is not in violation of this section or section 5 of the Federal Trade Commission Act (15 U.S.C. 45) if a manufacturer, importer, distributor, or private labeler provided the retailer or internet website marketplace with a false or deceptive representation as to the country of origin of a product or its parts or processing.

In section 2510(d) of division B, strike “the date of enactment of this division” and insert “the date of the publication of the agreement under subsection (c)(3)(B)”.

**SA 1880.** Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 4115(b)(2)(A), insert “, without regard to the origin of the raw material inputs, including stone, sand, and gravel” after “occurs in the United States”.

**SA 1881.** Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, on line 20, insert “Appointment as a program director under this section shall be voluntary, and the Director is not authorized to remove a program director during their appointed term unless for cause.” after “tor.”

Beginning on page 113, strike line 24 and all that follows through line 3 on page 115 and insert the following:

(3) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303, 3304(b), and 3328 of that title, a qualified candidate described in

subparagraph (B) directly to a position in the competitive service with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(B) FELLOWSHIP OR TEMPORARY ROTATIONAL POSTING.—Subparagraph (A) applies with respect to a former recipient of an award under this subsection who—

(i) earned a doctoral degree in a STEM field from an institution of higher education; and

(ii) successfully fulfilled the requirements of the fellowship or temporary rotational posting within a Federal agency.

(C) LIMITATION.—The direct hire authority under this paragraph shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the requirements related to the fellowship or temporary rotational posting described under this subsection.

(D) NUMBER.—The number of employees appointed and retained by the Federal Government under this paragraph shall not exceed 10 at any time.

Strike section 2204 and insert the following:

**SEC. 2204. PERSONNEL MANAGEMENT AUTHORITIES FOR THE FOUNDATION.**

(a) STUDY.—Not later than 30 days after the date of enactment of this division, the Director shall contract with the National Academy of Public Administration to conduct a study on the organizational and management structure of the Foundation, to—

(1) evaluate and make recommendations to efficiently and effectively implement the Directorate for Technology and Innovation;

(2) evaluate and make recommendations to ensure coordination of the Directorate for Technology and Innovation with other directorates and offices of the Foundation and other Federal agencies; and

(3) make recommendations for the management of the Foundation’s business and personnel practices, including implementation of the new hiring authorities and program director authorities provided in section 2103.

(b) REVIEW.—Upon completion of the study under paragraph (1), the Foundation shall review the recommendations from the National Academy of Public Administration and provide a briefing to Congress on the plans of the Foundation to implement any such recommendations.

Strike section 2665 and insert the following:

**SEC. 2665. APPOINTMENT AND COMPENSATION PILOT PROGRAM.**

(a) DEFINITION OF COVERED PROVISIONS.—In this section, the term “covered provisions” means the provisions of title 5, United States Code, other than—

- (1) section 2301 of that title;
- (2) section 2302 of that title;
- (3) chapter 33 of that title;
- (4) chapter 71 of that title;
- (5) chapter 72 of that title; and
- (6) chapter 73 of that title.

(b) ESTABLISHMENT.—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 3,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and

(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) ADMINISTRATOR RESPONSIBILITIES.—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—  
(A) state-of-the-art recruitment techniques;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

(d) REPORT.—Not later than 2 years after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) describes in detail—

(A) the use of the pilot program hiring authority under this section, including pay, qualifications, and classification of individuals hired under such authority;

(B) the methods for recruitment under the program; and

(C) efforts being made by the NASA to address any compensation equity issue that may arise as a result of the program;

(2) analyzes the impact of the program on participants, disaggregated by demographic factors including age, race, ethnicity, gender, education, compensation, and job classification;

(3) compares the demographics of the program participants with the demographics of NASA employees outside the program;

(4) assesses the morale and engagement of the NASA workforce participating in the program, as compared to the morale and engagement of the NASA workforce outside the program; and

(5) makes recommendations with respect to the continuation, modification, or permanent codification of the program.

Strike section 2669 and insert the following:

**SEC. 2669. SEPARATIONS AND RETIREMENT INCENTIVES.**

(a) IN GENERAL.—Section 20113 of title 51, United States Code, is amended by adding at the end the following:

“(o) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—

“(1) DEFINITION.—In this subsection, the term ‘employee’—

“(A) means an employee of the Administration serving under an appointment without time limitation; and

“(B) does not include—

“(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or any other retirement system for employees of the Federal Government;

“(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in clause (i); or

“(iii) for purposes of eligibility for separation incentives under this subsection, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(2) AUTHORITY.—The Administrator may establish a program under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

“(3) EARLY RETIREMENT.—An employee who is at least 50 years of age and has completed

20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this subsection, apply and be retired from the Administration and receive benefits in accordance with subchapter III of chapter 83 or 84 of title 5 if the employee has been employed continuously within the Administration for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Administration centers is approved.

“(4) LIMITATIONS ON REEMPLOYMENT.—

“(A) An employee who receives separation pay under such program may not be reemployed by the Administration for a 12-month period beginning on the effective date of the employee's separation, unless this prohibition is waived by the Administrator on a case-by-case basis.

“(B) An employee who receives separation pay under this section on the basis of a separation and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Administration. If the employment is with an Executive agency (as defined by section 105 of title 5) other than the Administration, the Administrator may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Administration, the Administrator may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(5) REGULATIONS.—Under the program established under paragraph (2), early retirement and separation pay may be offered only pursuant to regulations established by the Administrator, subject to such limitations or conditions as the Administrator may require.

“(6) USE OF EXISTING FUNDS.—The Administrator shall carry out this subsection using amounts otherwise made available to the Administrator and no additional funds are authorized to be appropriated to carry out this subsection.”

(b) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

Subchapter II of chapter 35 of title 5, United States Code, is amended—

(1) in section 3521—

(A) by striking paragraph (1) and inserting the following:

“(1) ‘agency’—

“(A) means an Executive agency as defined under section 105 (other than the Government Accountability Office); and

“(B) includes the National Aeronautics and Space Administration; and”;

(2) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “and” at the end;

(ii) in subparagraph (B)(vi)(III), by striking the period at the end and inserting “; and”;

and

(iii) by adding at the end the following:

“(C) shall include an employee of the National Aeronautics and Space Administra-

tion appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b).”; and

(2) in section 3523(b)(3)(B), by inserting “, or, with respect to an employee of the National Aeronautics and Space Administration, including an employee described in section 3521(2)(C), not to exceed \$40,000” after “\$25,000”.

**SA 1882.** Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division C, add the following:

**SEC. 3314. PROHIBITION ON PROCUREMENT OF CLEAN AND ZERO EMISSION VEHICLES FROM SOURCES USING FORCED OR CHILD LABOR.**

No Federal funds may be obligated or expended for the procurement of clean or zero-emission vehicles for Federal, State, local, or Tribal government fleets, including vehicles of the United States Postal Service, until 45 days after the President certifies to Congress that the vehicles so procured do not contain materials that were sourced, processed, or produced—

(1) in the Xinjiang Uyghur Autonomous Region or in facilities located outside Xinjiang that use labor or goods from Xinjiang;

(2) with child labor, as such term is defined in Article 3 of the International Labor Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor (December 2, 2000), or in violation of human rights; or

(3) with forced labor, as such term is defined section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

**SA 1883.** Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —ONSHORING RARE EARTHS ACT**  
**SEC. 1. PERMANENT FULL EXPENSING FOR PROPERTY USED TO EXTRACT CRITICAL MINERALS AND METALS WITHIN THE UNITED STATES.**

(a) IN GENERAL.—Section 168(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(1) SPECIAL RULE FOR PROPERTY USED IN THE EXTRACTION OF CRITICAL MINERALS AND METALS WITHIN THE UNITED STATES.—